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Attorney Docket No. Acui1100-1

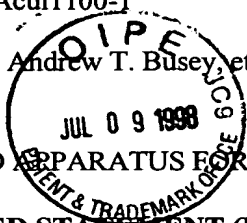
(formerly A1040C1US)

Applicant or Patentee: Andrew T. Busey et al.

Filed : April 15, 1998

Serial No. 09/060,867

Title: METHOD AND APPARATUS FOR REAL TIME NETWORK COMMUNICATION



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

(37 C.F.R. §§ 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ACUTY CORPORATION
ADDRESS OF CONCERN 11100 Metric Blvd., Bldg. 7
Austin, Texas 78758

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18 and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND APPARATUS FOR REAL TIME NETWORK COMMUNICATION by inventor(s) Andrew T. Busey and Gerald H. Webhorst, Jr. described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name _____

Address _____

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. '1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Michael Oswald
TITLE OF PERSON OTHER THAN OWNER General Counsel
ADDRESS OF PERSON SIGNING ACUTY CORPORATION
11100 Metric Blvd., Bldg. 7
Austin, Texas 78758

SIGNATURE

Michael Oswald

DATE

4 Jun 98

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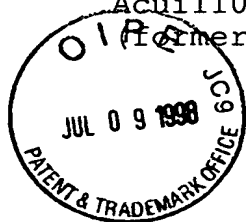
ATTORNEY DOCKET NO.

PATENT

Acu1100-1

Formerly A1040C1)

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DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As the below-named inventor(s), I hereby declare
that:

My residence, post office address and citizenship
are as stated below next to our name.

I believe I am the original, first and joint
inventor of the subject matter which is claimed and for which
a patent is sought on the invention, design or discovery
entitled METHOD AND APPARATUS FOR REAL TIME NETWORK
COMMUNICATION, the specification of which

_____ is attached hereto.

X

was filed on April 15, 1998 as Application
Serial No. 09/060,867

I hereby state that I have reviewed and understand
the contents of the above-identified specification, including
the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which
is material to the examination of this application in
accordance with Title 37, Code of Federal Regulations, Sec.
1.56(a).

I hereby declare that all statements made herein of
our own knowledge are true and that all statements made on
information and belief are believed to be true; and further
that these statements were made with the knowledge that
willful false statements and the like so made are punishable
by fine or imprisonment, or both, under Section 1001 of Title
18 of the United States Code and that such willful false
statements may jeopardize the validity of the application or
any patent issued thereon.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
N/A			

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>(Serial No.)</u>	<u>(Filing Date)</u>
N/A	

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

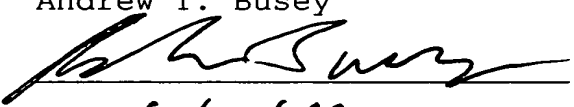
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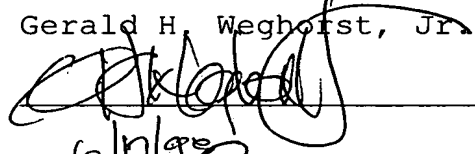
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Citizenship: United States of America
Post Office Address: 5811 Mesa Drive #1213
Austin, Tx 78731

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Full name of second inventor: Gerald H. Weghorst, Jr.
Inventor's signature: 
Date: 6/17/98
Residence (City, County, State) Austin, Travis, TX
Citizenship: United States of America
Post Office Address: 10020 Circle View
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